

REMARKS

Responsive to the Final Office Action of December 18, 2003, reconsideration of the above application is respectfully requested.

Claims 22-24 were rejected under 35 U.S.C 102(e) as being anticipated by Teng *et al.* (US. 6,165,546). Specifically, the Examiner contends that the '546 patent shows a filter (FIG. 3), placed in front of the CRT. It is respectfully pointed out that the '546 filter comprises layers of dyes, having variable refractive indices, so as to alter the chromaticity of the light delivered to a viewer in front of the CRT.

In contrast, the filter according to the present system is a rugate filter which has a single layer of material formed in a fashion such that the index of refraction varies within the single layer itself. Accordingly, independent claims 22 and 24 have been amended to reflect the filter is a rugate filter (page 6, lines 17-24 of the present specification). Thus, claims 22-24 are now in a condition of allowance since nowhere does the '546 patent suggest, teach, or disclose the use of a single layer rugate filter for altering the chromaticity of the light reaching the viewer.

Independent claims 1, 7, 12, 18, and 25-27 were rejected under 35 U.S.C 103(a) as being unpatentable over Myers (US. 5,909,291) in view of Teng *et al.* (US. 6,165,546), whereas independent claim 14 is rejected under 35 U.S.C 103(a) as being unpatentable over Myers (US. 5,909,291) in view of Teng *et al.* (US. 6,165,546) and De Leeuw (US. 5,057,912). Specifically, the Examiner contends that it is obvious to combine the Myers invention with the Teng system to reject the claims of the present invention.

Respectfully, the Applicants' disagree with the Examiner. Myers is directed to a color matching apparatus and method, and includes a translator (FIG. 1) for (i) correcting the original color amounts for source device anomalies and (ii) correcting for anomalies in the destination device which is a CRT (FIG. 2). The Teng system is directed to a filter including layers with spray coated dyes, having variable refractive indices, so as to alter the chromaticity of the light delivered to a viewer in front of the CRT.

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Firstly, the Myers' chromaticity translator already corrects for the differences in chromaticity between the source and destination CRT (FIG. 2, blocks 31 and 34), so there is no motivation for applying the Teng filter to the CRT of Myers. Even if it were possible to apply the Teng filter to the Myers CRT, then the filter's different spray coated dye layers, having variable refractive indices, would alter the chromaticity of the light delivered to a viewer in front of the CRT, thereby substantially eliminating any benefits offered by the Myers' system. Therefore, it would be inappropriate to combine the spray coated filter from Teng with the Myers' system, since it would result in a chromaticity translator having a worse performance than the original chromaticity translator of Myers.

The law does not permit a proposed modification that would render the prior art invention being modified unsatisfactory for its intended purpose where there is no suggestion or motivation to make the proposed modification (see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious (see *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

In contrast, the present invention uses a look-up table that includes information to (i) translate the input color data, and (ii) compensate for the properties of the CRT and the filter, in order to deliver a substantially chromatically correct image to the viewer (FIG. 7 and page 8, lines 1-12 of the present specification).

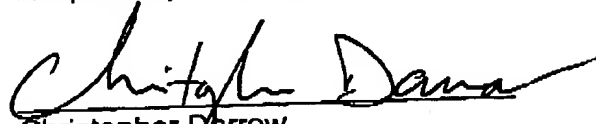
Accordingly, it is requested that the rejections applied to all claims be traversed.

Thus, in view of the above, it is submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters

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remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned attorney.

Respectfully submitted,


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